

Submitted By \_\_\_\_\_



Bidder \_\_\_\_\_

Address \_\_\_\_\_

License No. \_\_\_\_\_

Classification \_\_\_\_\_

Expires \_\_\_\_\_

# Shelby County Tennessee

Contract Documents

For

**SHELBY COUNTY  
A.D.A. CURB & RAMP  
INSTALLATION  
PROJECT**

**MAY 22, 2009**

**Office of the Shelby County Engineer**  
160 N. Main Street, Suite 350  
Memphis, Tennessee 38103

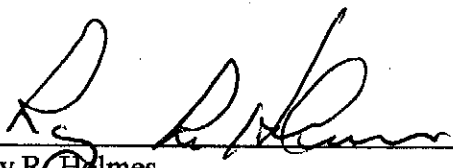
May 21, 2009

Office of the Shelby County Engineer  
160 N. Main Street, Suite 350  
Memphis, TN 38103

RE: Shelby County A.D.A. Curb & Ramp Installation  
RFP #09-004-82

Roy R. Holmes Construction Company, Inc. complies with the Living Wage Ordinance of Shelby County, Tennessee.

Roy R. Holmes Construction Company, Inc. complies with the LOSB/EOC rules and regulations of Shelby County, Tennessee.



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Roy R. Holmes  
Roy R. Holmes Construction Company, Inc.

# **SHELBY COUNTY A.D.A. CURB & RAMP INSTALLATION PROJECT**

## **INDEX**

### **SECTION A – REQUEST FOR PROPOSAL ( Shelby County Purchasing Dept.)**

### **SECTION B - EOC CONTRACT COMPLIANCE REQUIREMENTS**

#### **Section B-1: NON-DISCRIMINATION ACT**

### **SECTION C– PROPOSAL (Contract, Contract Bond, Contract Requirements)**

### **SECTION D – SPECIAL PROVISIONS**

Unbalanced Bids .....	102B
Approval of Shop Drawings .....	105A
Pre-Construction Submittal Requirement .....	105.05
Schedule of Work .....	105.06
Damage to Service Lines .....	105.07A
Complaints .....	107.15

### **SECTION E – TECHNICAL SPECIFICATIONS**

### **SECTION F- GENERAL REQUIREMENTS AND CONDITIONS**

**SECTION A**

**SHELBY COUNTY GOVERNMENT**

**ENGINEERING DEPARTMENT**

**REQUEST FOR PROPOSAL**

**SHELBY COUNTY  
A.D.A.  
CURB & RAMP  
INSTALLATION PROJECT**

**RFP # 09-004-82**



# Shelby County

Tennessee  
Mayor

A C Wharton, Jr.,

## Request for Proposal

### Shelby County Government Purchasing Department

160 N. Main, Suite 550  
Memphis, TN 38103

*Issued: May 5, 2009*

**Due: May 22, 2009 @ 3:00 p.m. (Central Standard Time)**

**RFP # 09-004-82**

#### SHELBY COUNTY ADA CURB RAMP INSTALLATION

Shelby County Government is soliciting proposals for the provision of Construction Services to provide, construction of forty-six curb ramps in Shelby County, Tennessee. The RFP is located on the County's website at [www.shelbycountyttn.gov](http://www.shelbycountyttn.gov). Copies of the project manual, drawings and specification must be obtained from the Office of the County Engineer, 160 North Main Street, Room 350, Memphis, Tennessee 38103, upon receipt of a \$50.00 non-refundable deposit.

A pre-bid conference will be held Friday, May 15, 2009 at 10:00 A.M., at the Office of the Shelby County Engineer, Suite 350, 160 North Main Street, Memphis, Tennessee 38103.

All bids will be opened and publicly read by the Shelby County Government at the time mentioned below in the Purchasing Department, Suite 550, 160 North Main Street, Memphis, Tennessee 38103.

The proposal, as submitted, should include all estimated cost related to the services requested in this RFP. If selected, your proposal will be the basis for negotiating a contract with Shelby County Government. Respondents requesting additional information or clarification are to contact, Nelson Fowler at [nelson.fowler@shelbycountyttn.gov](mailto:nelson.fowler@shelbycountyttn.gov).

Proposals must be received in the office of the Administrator of Purchasing **no later than 3:00 P.M. on, May 22, 2009**. Proposals should be addressed to:

**Nelson Fowler, Manager A  
Shelby County Government  
160 N. Main, Rm. 550  
Memphis, TN 38103**

The package containing the original proposal (clear identified as original) and two (2) copies of your proposal must be sealed and marked with the Proposers name and "**CONFIDENTIAL, 'Shelby County ADA Curb Ramp Installation', RFP # 09-004-82**" noted on the outside.

Sincerely,

Nelson Fowler, Manager A  
Purchasing Department Shelby County Government

cc: Ahmad Nemati, PE  
Chris Masin, PE

## TABLE OF CONTENTS

- I. INTRODUCTION**
- II. MINIMUM PROPOSER REQUIREMENTS**
- III. CORRESPONDENCE**
- IV. PROPOSAL SUBMISSION DEADLINE**
- V. PROPOSAL TIMELINE**
- VI. PROPOSAL CONDITIONS**
- VII. GENERAL REQUIREMENTS AND INFORMATION**
- VIII. AWARD OF CONTRACT**
- IX. GRATUITY DISCLOSURE FORM**
- X. NOTICE TO BIDDERS**

*Note: Please make sure you pay close attention to Sections: I-V, IX & XI. These sections will clearly outline what information is required to properly respond and prepare your RFP response.*

## **I. INTRODUCTION**

Shelby County Government (the "County"), is seeking proposals from interested and qualified firms for the construction of one hundred four(104) curb ramps complaint with Title 11 of the Americans with Disabilities Act of 1990 (ADA). This Request for Proposal ("RFP") is being released to invite interested and qualified firms to prepare and submit proposals in accordance with instructions provided where the successful candidate will be selected and invited to enter into a contractual relationship with Shelby County for the Services outlined in this RFP.

## **II. MINIMUM PROPOSER REQUIREMENTS**

All Proposers must:

1. Must have a current EOC number at the moment of the bid opening.
2. Must have a current "MU-D" or "MU" license with the Board for Licensing Contractors.
3. Must submit a Bid Bond in the amount of 5% of their bid. This bond must be submitted with your bid.
4. Meet all other requirements for the performance of the Services in accordance with the provisions of this RFP.
5. The successful contractor must be able to submit a performance/labor material bond separate bonds each in the amount of 100% of the amount of the contract.
6. Firms located within the boundaries of Shelby County are required to have a current Shelby County Business License or be considered exempt from the license requirement by the Shelby County Clerks Office.
7. Must attend our pre-bid conference.
8. Must submit LOSB Form B with their bid and attached to the out side of the envelope.
9. Also see Item # K, page 22 for forms to be submitted with your bid.
10. Adhere to all Title VI requirements and provide proof/documentation if necessary.
11. Attest that you adhere to the requirements of the "Living Wage ordinance #328", Section
12. Page 6, Item G & page 19 & 20 Item I, a written statement of compliance must be provided with your response

## **III. CORRESPONDENCE**

All correspondence, proposals and questions concerning the RFP are to be submitted to:

**Nelson Fowler, Manager A  
Shelby County Government  
160 N. Main St. Suite 550  
Memphis, TN 38103  
(901) 545-4360**

Respondents requesting additional information or clarification are to contact Nelson Fowler in writing at [nelson.fowler@shelbycountyttn.gov](mailto:nelson.fowler@shelbycountyttn.gov) or at the address listed above. Questions should reference the section of the RFP to which the question pertains and all contact information for the person submitting the questions. ***IN ORDER TO PREVENT AN UNFAIR ADVANTAGE***



**TO ANY RESPONDENT, VERBAL QUESTIONS WILL NOT BE ANSWERED. The deadline for submitting questions will be Wednesday, May 20, 2009 at 12:00 p.m.**

These guidelines for communication; have been established to ensure a fair and equitable process for all respondents. Please be aware that contact with any other personnel (other than the person clearly identified in this document) within Shelby County or its benefit administrators regarding this RFP may disqualify your company from further consideration.

#### **IV. PROPOSAL SUBMISSION DEADLINE**

All proposals must be received at the address listed above no later than 3:00 PM on Friday, May 22, 2009. Facsimile or electronically transmitted proposals will not be accepted since they do not contain original signatures. Postmarks will not be accepted in lieu of actual receipt. Late or incomplete proposals may not be opened and considered. Under no circumstances, regardless of weather conditions, transportation delays, or any other circumstance, will this deadline be extended.

#### **V. PROPOSAL TIMELINE**

Shelby County reserves the right to modify this timeline at any time. If the due date for proposals is changed, all prospective Proposers shall be notified.

Request for Proposals Released	Friday, May 5, 2009
Pre-Bid Conference	Friday, May 15, 2009, at 10:00 AM
Proposal Due Date	Friday, May 22, 2009 at 3:00 P.M.
Notification of Award	June, 2009

The County may reproduce any of the Proposers proposal and supporting documents for internal use or for any other purpose required by law.

#### **VI. PROPOSAL CONDITIONS**

##### **A. Contingencies**

This RFP does not commit the County to award a contract. The County reserves the right to accept or reject any or all proposals if the County determines it is in the best interest of the County to do so. The County will notify all Proposers, in writing, if the County rejects all proposals.

##### **B. Modifications**

The County reserves the right to issue addenda or amendments to this RFP.

##### **C. Proposal Submission**

To be considered, all proposals must be submitted in the manner set forth in this RFP. It is the Proposers responsibility to ensure that its proposals arrive on or before the specified time.

**D. Incurred Costs**

This RFP does not commit the County to pay any costs incurred in the preparation of a proposal in response to this RFP and Proposers agree that all costs incurred in developing this RFP are the Proposers responsibility.

**E. Final Authority**

The final authority to award a contract rests solely with the Shelby County Purchasing Department.

**F. Proposal Validity.**

Proposals submitted hereunder will be firm for one hundred twenty (120) calendar days from the due date unless otherwise qualified.

**G. Living Wage**

Shelby County Government Ordinance # 328 "Living Wages" is hereby incorporated into this Request for Proposal and any resulting contract. Please make sure that you review and apply the requirements of the ordinance to your proposal response. Failure to do so will result in disqualification from the review and award process. You may view and print the ordinance as a separate attachment for this RFP (*please do not forget to download ALL the additional attachments*).

## **H. LOSB**

### **SHELBY COUNTY GOVERNMENT LOCALLY OWNED SMALL BUSINESS (LOSB) PROGRAM FOR CONSTRUCTION SERVICES**

#### **Shelby County ADA Curb Ramp Installation**

##### **General**

Shelby County Government is committed to a policy of non-discrimination pursuant to the Equal Protection provisions of the United States Constitution. It is further the policy of Shelby County that it's purchasing and contracting practices encourage the use of Locally-Owned Small Businesses (LOSB's) in all solicitations. In furtherance of these policy objectives, Shelby County seeks to afford all citizens equal opportunities to do business on county contracts and to ensure that all bidders, proposers, or Contractors doing business with Shelby County provide to LOSB's, maximum practicable opportunities, commensurate with availability, price and capabilities required, to participate on contracts which are paid for, in whole or in part, with monetary appropriations from Shelby County.

Shelby County seeks to prevent discrimination against any person or business in pursuit of these opportunities on the basis of race or gender. Shelby County will conduct its contracting and purchasing programs so as to discourage any discrimination and will actively seek to resolve all claims of discrimination brought against Shelby County or any Contractors involved in such contracting and purchasing programs.

Shelby County has determined that 20% of the contract sum will be contracted with LOSB vendors. For assistance and information regarding LOSB participation, Bidders shall contact:

Ms. Doris Vester-Mickens  
Office of Equal Opportunity Compliance  
Board of Commissioners of Shelby County  
160 North Main Street, Suite 969  
Memphis, Tennessee 38103  
Phone: 901-545-4336  
Fax: 901-545-3473  
E-mail: [Doris.Vester-Mickens@shelbycountyttn.gov](mailto:Doris.Vester-Mickens@shelbycountyttn.gov)

## Definitions

The definitions used in this document are as follows:

1. **"Bidder" or "Proposers"** means any person, firm, partnership, association, or joint venture seeking to be awarded a contract or subcontract to provide goods, commodities or services.
2. **"Certification" or "Certified"** means a Business that is certified by Shelby County Government under the LOSB program.
3. **"Commercially useful function"** means being responsible for the management and performance of a distinct element of the total work.
4. **"Contractor"** shall mean any person or business enterprise that submits a bid or proposal to provide labor, goods or services to Shelby County by contract for profit in the area of construction or construction-related activities; and, any person or firm who supplies or provides labor, goods or services to Shelby County by contract for profit.
5. **"Efforts to Achieve LOSB Participation"** means that the Contractor will solicit LOSB Participation with respect to the procurement and will consider all sub-bids and quotations received from LOSB's. When a subcontract is not awarded to the LOSB, the Contractor must document the reason(s) the award was not made and substantiate that documentation in writing pursuant to the provisions of this Program.
6. **"Locally Owned Small Business (LOSB)"** means a business whose home office is located in Shelby County, whose annual revenues do not exceed \$3,000,000 and who has been certified by Shelby County Office of Equal Opportunity Compliance.
7. **"Non-LOSB"** means a business which is not certified as a LOSB.
8. **"Unavailable"** means either that: (1) there is no LOSB providing goods or services requested; or, (2) no LOSB submitted a bid.

## Requirements and Compliance

All firms or entities seeking to become Contractors as outlined herein are required to make good faith efforts to achieve LOSB participation when submitting a proposal or bidding on Shelby County procurements. Bidders and Proposers shall not discriminate on the basis of race or gender when soliciting bids in the performance of Shelby County's procurements. Discrimination complaints brought to the attention of Shelby County Office of Equal Opportunity Compliance (or its designee) will be reviewed and investigated to the extent necessary to determine the validity of such complaints and what actions, if any, should be taken by Shelby County.

## **Policies and Procedures**

Shelby County may adopt policies and procedures as necessary to carry out and implement its powers and duties with regard to the LOSB Program. It is the goal of Shelby County to encourage participation by LOSB's and to adopt rules and regulations which achieve to the greatest extent possible a level of participation by LOSB's taking into account the total number of all Contractors and suppliers. Therefore, Shelby County will review each procurement request to determine the maximum potential for utilization of LOSB's. This review is based on the availability of qualified LOSB's providing goods or services as it relates to the scope of the bid or procurement process. The following procedures may be utilized during the procurement process.

### **1. Pre-Bid Activity**

#### **a. Bid Language**

Shelby County may insert language into each bid specification describing the LOSB Program to assure that all prospective bidders are aware of the requirements to make efforts to utilize LOSB's.

#### **b. Notification**

Shelby County may provide written notification to Contractors and LOSB's regarding: pre-bid conferences; technical assistance to LOSB's; LOSB Program procedures and required documentation; and, provide a list of LOSB's who have expressed an interest in competing for the bid or in performing as a subcontractor.

### **2. Contractor's Responsibilities**

#### **a. Efforts to Achieve LOSB Participation**

All entities seeking to become Contractors are required to make efforts to achieve maximum LOSB participation, as outlined in this LOSB Program, when submitting a response to a bid or negotiated proposal in response to a Shelby County procurement opportunity. Such Efforts should be documented on **LOSB Form "A"**.

#### **b. Utilization**

Contractors are required to utilize legitimate LOSB's in order to receive credit for the utilization of a LOSB. Contractors must document all LOSB's to be utilized, the percentage of utilization and the intended scope of work. Such information should be submitted on **LOSB Form "B"**. This documentation must be submitted with the bid or negotiated proposal document.

#### **c. Commercially Useful Functions**

All LOSB's identified on **LOSB Form "C"** or **LOSB Form "D"** shall perform a Commercially Useful Function.

#### **d. Unavailability**

If a potential Contractor's efforts to obtain LOSB participation are unsuccessful due to the unavailability of a LOSB, the Contractor will submit a statement of unavailability. **LOSB Form "A"**.

#### **e. Pre-Work Conference**

Any Contractor who is the successful bidder shall be required to attend a conference with Shelby County prior to beginning the work. The primary purpose of this conference is to review the project scope and review LOSB participation as outlined in **LOSB Form "B"**. Shelby County will also review the Statement of Intent to Perform as a Subcontractor or Provide Supplies or Services as documented on **LOSB Form "C"**.

f. Post-Award Change

Any Contractor who determines that a LOSB identified on **LOS Form "B"** cannot perform shall request approval from Shelby County to contract with an alternate subcontractor pursuant to this LOSB Program. Such request will be reviewed and approved only after adequate documentation for the proposed change is presented.

g. LOSB Certification

Each month the Contractor shall submit **LOS Form "D"** certifying all payments made to LOSB's.

3. **LOS Responsibilities**

a. Commercially Useful Function

It is the responsibility of each LOSB providing subcontracted goods and/or services to submit **LOS Form "C"** certifying that it is performing the work and that it is a Commercially Useful Function.

**Written Agreement**

Shelby County policies and procedures on LOSB participation are designed to create contractual relationships between Contractors and LOSB's. Therefore, a Contractor may utilize the services of a LOSB in estimating and satisfying the scope of work, provided that a written contract/agreement is executed between the Contractor and the LOSB.

**Certification**

To ensure that the ownership and control over decision-making and day-to-day operations of a Certified LOSB is legitimate, Shelby County reserves the right to verify the ownership and control of each LOSB utilized.

## **Monitoring LOSB Utilization**

Shelby County intends to monitor and enforce this LOSB Program. Shelby County reserves the right to conduct random audits of each of its Contractor's LOSB's. Shelby County reserves the right to reevaluate a LOSB's certification at any time.

## **Efforts to Achieve LOSB Participation**

The Contractor shall consider all bids and/or quotations received from LOSB's. When a subcontract is not awarded by a Contractor to any of the competing LOSB's, the Contractor must document the reason(s) the award was not made to the LOSB's. It is the responsibility of the Contractor to prove that it employed Efforts to Achieve LOSB participation. Evidence supporting the Contractor's Efforts must be documented on **LOSB Form "A"**, which must include, but is not limited to, the following:

1. Contractor must submit proof that it solicited LOSB participation through reasonable and available means including, but not limited to:
  - a. Written notices to LOSB's who have the capability to perform the work of the contract or provide the service;
  - b. Direct mailing, electronic mailing, facsimile or telephone requests.
2. Contractor must submit proof that it provided interested LOSB's with adequate information about plans, requirements and specifications of the contract in a timely manner to assist them in responding to a solicitation.
3. Contractor must submit proof that it made Efforts to Achieve LOSB Participation including, but not limited to, proof that it made opportunities available to LOSB suppliers and identified opportunities commensurate with opportunities made available and identified to Non LOSB's. Such proof will include the names of businesses, contact person(s), addresses, telephone numbers, and, a description of the specifications for the work selected for subcontracting.
4. Contractor must submit proof that it allowed LOSB's the opportunity to review bid specifications, blue prints and all other bid related items at no charge. The Contractor must allow sufficient time for review prior to the bid deadline.
5. Contractor must submit proof that it made Efforts to Achieve LOSB Participation by not rejecting a LOSB as unqualified or unacceptable without sound reasons based on a thorough investigation of their capabilities. Contractor must submit proof of the basis for rejecting any LOSB deemed unqualified or unacceptable by the Contractor. The Contractor will not impose unrealistic conditions of performance on LOSB's seeking subcontracting opportunities.

The Contractor must fully cooperate with Shelby County in its post-contract award LOSB Program audit and compliance efforts.

### **Substitution of LOSB's after Contract Award**

In order to make a substitution of a LOSB, a Contractor must make a request to Shelby County. This request must be submitted in writing to Shelby County. Shelby County reserves the right to approve any substitution of a LOSB. The Contractor has the responsibility to provide Shelby County with a reasonable basis for the substitution. If the Contractor desires to substitute the LOSB with a Non-LOSB, then the Contractor must comply with the Effort to Achieve LOSB Participation provisions set forth herein.

### **Noncompliance with LOSB Program**

Any of the following reasons, individually or collectively, may result in suspension from bidding, prohibition from contracting, or cancellation of contracts:

1. The failure to perform according to contract provisions relating to this LOSB Program;
2. Violation of, circumvention of, or failure to comply with the LOSB Program; and/or,
3. Other reasons deemed appropriate by Shelby County.

### **Questions and Information**

Questions regarding this LOSB Program and requests for information should be directed to:

Ms. Doris Vester-Mickens  
Office of Equal Opportunity Compliance  
Board of Commissioners of Shelby County  
160 North Main Street, Suite 969  
Memphis, Tennessee 38103  
Phone: 901-545-4336  
Fax: 901-545-3473  
E-mail: Doris.Vester-Mickens@shelbycountyttn.gov

### **Construction**

This LOSB Program is consistent with Shelby County Policies and Procedures. Wherever conflicts exist, the provision in the Shelby County Policies and Procedures will prevail.



## **LOSB Program Forms Description**

- **LOSB Form A -- Certification of Efforts**

Contractors are required to submit **LOSB Form "A"** with proposals as evidence and documentation of efforts that have been made to contact LOSB's for participation as subcontractors, joint venture partners or suppliers of goods and services. Contractors are required to contact LOSB's and solicit quotes for goods and services. All responses to the Contractor's solicitation should be recorded and reported.

- **LOSB Form B -- LOSB Utilization Plan**

A Contractor is required to submit **LOSB Form "B"** with its Proposal in order to identify all LOSB's they propose to utilize in providing the goods and services included in the Proposal. Contractors may only include a proposed provider of goods or services on **LOSB Form "B"**, if the entity is a legitimate LOSB. Additionally, if such entity will provide services, Contractors may only list LOSB's on **LOSB Form "B"** if the entity will perform a Commercially Useful Function. The Successful Contractor will be required to finalize and submit **LOSB Form "B"** prior to award of a contract. **LOSB Form "B"** will be incorporated into the contract and will become a contractual obligation of the Successful Contractor. **LOSB Form "B"** shall not be changed or altered after award of a contract without approval from Shelby County. The Contractor is required to provide written notice describing the reasons for any proposed change to Shelby County and to obtain approval from Shelby County of any changes to **LOSB Form "B"**.

- **LOSB Form C --Statement of Intent to Perform as a Subcontractor or Provide Supplies or Services**

Contractors are required to have each subcontracted LOSB providing services complete **LOSB Form "C"** certifying that it is performing the work and that it is a Commercially Useful Function.

- **LOSB Form D -- Statement of Payments to LOSB's**

Contractors are required to record and maintain information regarding the utilization of LOSB's and all other information during the performance of awarded contracts. This information shall be recorded and maintained on **LOSB Form "D"**. The form is required to be submitted to Shelby County each month. **LOSB Form "D"** must be completed in its entirety with information regarding the types of goods purchased from LOSB's or the types of services rendered by LOSB's and dollars amounts paid for their goods or services.

**Shelby County  
LOSB Program**

**LOSB FORM A**

**CERTIFICATION OF EFFORTS TO ACHIEVE LOSB PARTICIPATION**

(To Be Submitted with the Bid/Proposal)

Company Name: ENSCOR, LLC

Bid No.: RFP# 09-004-82

I certify that the following efforts were made to achieve LOSB participation:

YES

NO

A	Provided written notices to LOSB's who have the capability to perform the work of the contract or provide the service	✓	
B	Direct mailing, electronic mailing, facsimile or telephone requests	✓	
C	Provided interested LOSB's with adequate information about plans, requirements and specifications of the contract in a timely manner to assist them in responding to a solicitation	✓	
D	Allowed LOSB's the opportunity to review bid specifications, blue prints and all other bid/RFP related items at no charge, and allowed sufficient time for review prior to the bid deadline	✓	
E	Acted in good faith with interested LOSB's, and did not reject LOSB's as unqualified or unacceptable without sound reasons based on a thorough investigation of their capabilities	✓	
F	Did not impose unrealistic conditions of performance on LOSB's seeking subcontracting opportunities	✓	

Additionally, I contacted the referenced LOSB's and requested a bid/proposal. The responses I received were as follows:

Name and Address of LOSB	Type of Work And Contract Items, Supplies or Services to be Performed	Response	Reason for Not Accepting Bid/Proposal
Charles Hill Contractors	Demo - Restoration	Proposal	N/A

*(If additional space is required this form maybe duplicated)*

**If applicable, please complete the following:**

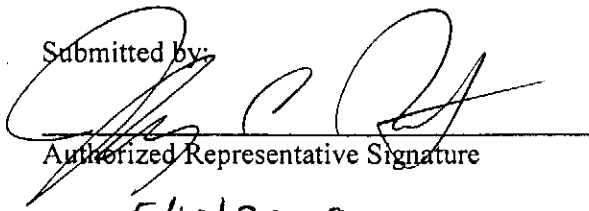
I hereby certify that LOSB's were "Unavailable" as defined in the LOSB Program to submit bids to provide goods and services for this RFP/Bid's purpose.

Reasons for the "Unavailability":

---

---

Submitted by:

  
Authorized Representative Signature

Date

5/19/2009

Chief Manager  
Title

Shelby County  
LOSB Program

LOSB FORM B

LOSB UTILIZATION PLAN  
(To Be Submitted with the Bid/Proposal)

Company: ENCOR, LLC  
Bid No.: REP# 09-004-82

I, Jeffrey C. Smith - ENCOR, LLC do certify that on the following procurement opportunity,

(Contractor)

REP# 09-004-82 ADA Curb Ramp Installation Project the following LOSB's will be utilized as sub-contractors, suppliers,

(Opportunity)

or to provide professional services:

Name	Description of Work	Contract Value	LOSB Number
<u>Charles Hill Court</u>	<u>Demolition</u>	<u>26,977.00</u>	<u>LOSB-C-1008-11916</u>

(If additional space is needed this form may be duplicated)

TOTAL CONTRACT VALUE: 26,977.00  
TOTAL % OF LOSB PARTICIPATION: 20%

The successful bidder/proposer is required to finalize and submit this form prior to award of a contract. Joint Venture Agreements, partnering agreements and all pertinent information must be presented prior to contract award. This information will be incorporated into the contract and will become a contractual obligation of the successful bidder/proposer. The finalized LOSB Form B shall not be changed or altered after award of a contract without approval from Shelby County. The successful bidder/proposer is required to provide written notice describing the reasons for the change to Shelby County to obtain approval of any changes to LOSB Form B.

Submitted by:

Authorized Representative Signature

Chief Manager

Title

5/22/2009

Date

Shelby County  
LOSB Program

LOSB FORM C

STATEMENT OF INTENT TO PERFORM AS A SUBCONTRACTOR OR  
PROVIDE SUPPLIES OR SERVICES  
(To Be Submitted Prior to Contract Award)

Company Name: \_\_\_\_\_

Bid No.: \_\_\_\_\_

I, \_\_\_\_\_, intend to provide supplies or services in connection with the  
(Subcontractor/Provider)  
above bid/proposal request as a LOSB.

I am prepared to perform a "Commercially Useful Function" in connection with the above project.

The following are the work items to be performed:

\_\_\_\_\_  
\_\_\_\_\_

at the following price: \$ \_\_\_\_\_.

**If applicable, please complete the following:**

I have or will enter into a formal agreement with \_\_\_\_\_ for the above-  
(Company)  
described scope of work, supplies or services conditioned upon the execution of a contract  
with Shelby County.

I hereby certify that this statement is true and correct:

Business Information:

Submitted by:

Business: \_\_\_\_\_

Authorized Representative (Print) \_\_\_\_\_

Address: \_\_\_\_\_

Title \_\_\_\_\_

Phone: \_\_\_\_\_

Authorized Representative's Signature \_\_\_\_\_

Facsimile: \_\_\_\_\_

Date \_\_\_\_\_

Shelby County  
LOSB Program

**LOSB FORM D**

**STATEMENT OF PAYMENTS TO LOSB'S**  
(To Be Submitted Monthly and with Final Payment Request)

Company Name: \_\_\_\_\_  
Name/Contract No.: \_\_\_\_\_  
Payment Request Number: \_\_\_\_\_

Name of Firm	Description of work	Total Amount Due This Month	Total Dollars Paid To Date	% of Contract Completed	Start Date of Contract	End Date of Contract

*(If additional space is needed this form may be duplicated)*

I hereby certify that this statement is true and that above payments have been made.

Business Information:

Submitted by:

Business: \_\_\_\_\_

Authorized Representative (Print) \_\_\_\_\_

Address: \_\_\_\_\_

Title \_\_\_\_\_

Phone: \_\_\_\_\_

Authorized Representative's Signature \_\_\_\_\_

Facsimile: \_\_\_\_\_

Date \_\_\_\_\_

I. LOCALLY OWNED SMALL BUSINESS PURCHASING PROGRAM RULES AND REGULATIONS:

(i) The Administrator of Purchasing in conjunction with the Administrator of EOC shall identify certain goods and services required by the County to be set aside for special purchasing procedures for locally owned small businesses.

(ii) Only certified locally owned small businesses will be allowed to submit competitive bids on the goods or services identified under paragraph (i) above.

(iii) The Administrator of Purchasing shall, in conjunction with the Administrator of EOC, annually review the Shelby County Capital Improvement Program to determine those projects with a construction cost of \$250,000 or more. Contracts amounting to at least ten (10%) of the construction costs of such project shall be awarded to locally owned small businesses as defined herein, except as set forth in sub-paragraph (vi) of this section, either as part of the conditions of the solicitation for general contractors bidding on these projects, or as separate bids issued by the County for subcontracts that may be assigned to general contractors.

(iv) After adhering to all other bidding and purchasing requirements of the County, not inconsistent with this part, if no bids are received from locally owned small businesses, then the County may solicit bids for the goods or services from all other sources.

(v) On all purchases and/or contracts entered into by the County, the Purchasing Administrator or his or her designee shall have the right to negotiate with any supplier of goods or services to the County for the inclusion of locally owned small business subcontractors and/or suppliers in the contract award.

(vi) Failure by a supplier or contractor to include locally owned small business subcontractors or suppliers in its bid or contract may be grounds for rejection of said bid or contract unless the supplier or contractor can show documented evidence of good cause why none were included.

(vii) Any locally owned small business awarded a contract or purchase order under this section shall not sublet, subcontract or assign any work or services awarded to it without the prior written consent of the Mayor or the Purchasing Administrator.

(viii) As to those purchases below the requirement for a formal bid solicitation (currently, under \$15,000) and not included in the locally owned small business set aside, the Administrator of Purchasing shall determine if any locally owned small business offers that product or service. If so, at least one such eligible locally owned small business should be included in the vendors contacted for an opportunity to bid, and the Administrator of Purchasing may, at his discretion, designate in a purchase order the purchase of such goods and services from the identified locally owned small business.

(ix) In those situations where a locally owned small business as defined herein, engages in open competitive bidding for County contracts, the Administrator of Purchasing shall provide for a preference for the locally owned small business where responsibility and quality are equal. Said preferences shall not exceed five percent (5%) of the lowest possible bidder meeting specifications. The preference shall be applied on a sliding scale in the following manner:

a. A preference of up to five percent (5%) shall be allowed for contracts up to \$500,000.00;

b. A preference of up to three and five-tenths percent (3.5%) shall be allowed for contracts up to \$750,000.00;

c. A preference of two and one-half percent (2.5%) shall be allowed for contracts up to \$1,000,000.00;

d. A preference of two percent (2%) shall be allowed for contracts that exceed \$1,000,000.00.

(x) For construction contracts over \$2,000,000.00, the Administrator of Purchasing shall provide for a preference of two percent (2%) to general contractors meeting the requirements of Section 1, Subparagraph B, if fifty percent (50%) or more of the total work comprising the bid has been or will be awarded to certified locally owned small businesses. The fifty percent subcontracting threshold must be met prior to contract execution.

(xi) The Administrator of Purchasing may divide a single bid package for any purchase of goods and services into two or more smaller bid packages in any case that the Administrator of Purchasing reasonably believes that the smaller bid packages will result in a greater number of bids by locally owned small businesses.

(xii) The Administrator of Purchasing, upon approval of the County Mayor, may establish special insurance and bonding requirements for certified locally owned small businesses so long as they are not in conflict with the laws of the State of Tennessee.

(xiii) The Administrator of Purchasing, with the approval of the County Mayor, shall adopt and promulgate, and may from time to time, amend rules and regulations not inconsistent with the provisions of this ordinance, governing the purchase of goods and services from locally owned small business concerns to effectuate and implement the Locally Owned Small Business Purchasing Program within the intent of this ordinance.

(xiv) The Administrator of EOC shall, in conjunction with the Administrator of Purchasing, provide a written quarterly report to the Mayor and Board of Commissioners which shall include a summary of the purchases selected for this program, a listing of the contracts awarded to locally owned small businesses for the period, and the dollar amounts of each such contract, and the percentage which such contracts bear to the total amount of purchases for the period.



J.

**DRUG-FREE WORKPLACE AFFIDAVIT**

STATE OF TN.

COUNTY OF Shelby

The undersigned, principal officer of ENSCOR, LLC, an employer of five (5) or more employees contracting with Shelby County government to provide construction services, here states under oath as follows:

1. The undersigned is a principal officer of ENSCOR, LLC (hereinafter referred to as the "Company"), and is duly authorized to execute this Affidavit on behalf of the Company.
2. The Company submits this Affidavit pursuant to T.C.A. § 50-9-113, which requires each employer with no less than five (5) employees receiving pay who contracts with the state or any local government to provide construction services to submit an affidavit stating that such employer has a drug-free workplace program that complies with Title 50, Chapter 9, of the *Tennessee Code Annotated*.
3. The Company is in compliance with T.C.A. ~ 50-9-113. Further affiant smith not.

Principal Officer

STATE OF TN

COUNTY OF Shelby

Before me personally appeared Jeffrey C. Smith with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the foregoing affidavit for the purposes therein contained.

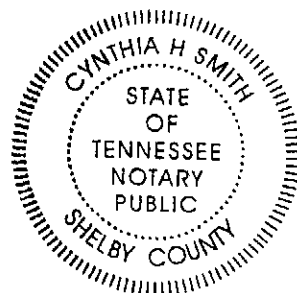
Witness my hand and seal at office this 22 day of May 2009

*Cynthia H Smith*

My Commission Expires April 26, 2011

Notary Public

My commission expires:



**K. FORMS TO BE SUBMITTED**

**LOSB FORM A: MUST BE COMPLETED AND SUBMITTED IN YOUR BID ENVELOPE**

**LOSB FORM B: MUST BE COMPLETED, SUBMITTED WITH YOUR BID AND ATTACHED TO THE OUTSIDE OF THE ENVELOPE DOCUMENTING ALL LOSB'S TO BE UTILIZED, THE PERCENTAGE OF UTILIZATION AND THE INTENDED SCOPE OF THE WORK.**

**LOSB FORM C- MUST BE COMPLETED AND SUBMITTED BY EACH LOSB PROVIDING SUBCONTRACTED GOODS AND OR SERVICES CERTIFYING THAT THEY ARE PERFORMING THE WORK AND THAT IT IS A COMMERCIALY USEFUL FUNCTION. ONLY REQUIRED AFTER THE AWARD OF THE BID.**

**LOSB FORM D-MUST BE COMPLETED AND SUBMITTED BY THE SUCCESSFUL CONTRACTOR EACH MONTH CERTIFYING ALL PAYMENTS MADE TO LOSB'S.**

**DRUG FREE WORKPLACE AFFIDAVIT-MUST BE COMPLETED AND SUBMITTED WITH YOUR BID.**

**BID BOND- ALL BIDS MUST BE ACCOMPANIED BY A BANK CERTIFIED CHECK OF BANK DRAFT, LETTER OF CREDIT ISSUED BY ANY NATIONAL BANK OR APPROVED BID BOND FOR NOT LESS THAN 5% (PERCENT) OF THE AMOUNT OF THE BID. ALL PROPOSAL GUARANTEES SHALL BE MADE OUT TO THE COUNTY OF SHELBY.**

**NOTE: LOSB FORM C AND D WILL BE SUBMITTED BY THE SUCCESSFUL CONTRACTOR.**

**FAILURE TO SUBMIT THE REQUIRED FORMS MAY RESULT IN YOUR BID BEING REJECTED AS BEING IN NON-COMPLIANCE WITH BID REQUIREMENTS.**

## **VII. GENERAL REQUIREMENTS**

### **A. Scope of Contract**

The County wishes to engage in a contractual relationship with the lowest responsive Contractor selected through a low bid process.

### **B. Project Time Frame**

The County is looking to negotiate a contract with the successful contractor using the terms and conditions as the original RFP to provide these services.

### **C. Reservation of Rights**

The County reserves the right, for any reason to accept or reject any one or more proposals, to negotiate the term and specifications for the services provided, to modify any part of the RFP, or to issue a new RP.

### **D. Selection Criteria**

Contract(s) will be awarded based on the lowest responsive proposals received. The contents of the proposal of the successful Proposers will become contractual obligations and failure to accept these obligations in a contractual agreement may result in cancellation of the award.

### **E. Additional Information and References**

Any additional information that would be helpful to the County evaluating your proposal including a list of current and former clients with a similar profile to Shelby County should be submitted. At least three former clients who have terminated in the last five years should be included on this list.

## **VIII. Award of Contract**

Proposers are advised that the lowest responsive proposal will be awarded the contract.

## **IX. GRATUITY DISCLOSURE FORM**

**INSTRUCTIONS:** This form is for all persons receiving any Shelby County Government contract, land use approval or financial grant money to report any gratuity that has been given, directly or indirectly, to any elected official, employee or appointee (including their spouses and immediate family members) who is involved in the decision regarding the contract, land use approval, or financial grant of money. Please note that the information listed on this statement is subject to being posted on the Shelby County Government's website.

**1. NAME**

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**2. DATE OF GRATUITY**

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**3. NATURE AND PURPOSE OF THE GRATUITY**

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**4. NAME OF THE OFFICIAL, EMPLOYEE, APPOINTEE, OR FAMILY MEMBER WHO RECEIVED THE GRATUITY**

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**5. NAME OF THE PERSON OR ENTITY THAT PROVIDED THE GRATUITY**

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**6. ADDRESS OF THE PERSON OR ENTITY THAT PROVIDED THE GRATUITY**

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**7. DESCRIPTION OF THE GRATUITY**

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8. **COST OF THE GRATUITY** (If cost is unknown and not reasonably discernible by the person giving the gratuity, then the person giving the gratuity shall report a good faith estimate of the cost of the gratuity.)

9. **AFFIDAVIT**

The information contained in this Gratuity Disclosure Form, and any supporting documentation or materials referenced herein or submitted herewith, is true and correct to the best of my knowledge, information and belief and affirm that I have not given, directly or indirectly, any gratuity to any elected official, employee or appointee (including spouse and immediate family members) that has not been disclosed and I affirm that I have not violated the provisions of the Shelby County Government Code of Ethics.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ in \_\_\_\_\_ County, Tennessee:

Signature of Notary \_\_\_\_\_

Affix Notary Seal Here

Notary Registration No. \_\_\_\_\_

## NOTICE TO BIDDERS

1. Time and Place of Opening of Bids:

Sealed bids for the improvements described herein will be received at THE OFFICE OF THE SHELBY COUNTY ADMINISTRATOR OF PURCHASING, ROOM 550, SHELBY COUNTY ADMINISTRATION BUILDING, 160 NORTH MAIN, MEMPHIS, TENNESSEE 38103, until **MAY 22, 2009 @ 3:00 PM.**

2. Description of Work:

- (a) The proposed work is officially known as: **SHELBY COUNTY ADA CURB RAMP INSTALLATION PROGRAM**
- (b) **The work shall include the construction of one hundred four (104) curb ramps compliant with title II of the Americans with Disabilities Act of 1990 (ADA).**

3. Pre-Bid Meeting:

All interested bidders are encouraged to attend a pre-bid meeting to be held on **MAY 15, 2009 @ 10:00 A.M.** in Room 350, Shelby County Administration Building , 160 N. Main, Memphis, TN 38103.

4. Instruction to Bidders:

- (a) Bid forms may be obtained from: **THE OFFICE OF THE COUNTY ENGINEER, 160 NORTH MAIN, ROOM 350, MEMPHIS, TENNESSEE 38103, UPON RECEIPT OF A \$50.00 NONREFUNDABLE DEPOSIT.**
- (b) All bids must be accompanied by a bank cashier's check or bank draft, letter of credit issued by any national bank or certificate of deposit therein, duly assigned, or certified check or approved bid bond for not less than (5) percent of the amount of the bid. All proposal guarantees shall be made out to the COUNTY OF SHELBY.
- (c) All bidders must be licensed by the Tennessee State Board of Licensing General Contractors. Evidence of this license must appear on the title page of the Proposal in the space provided, and also on the exterior of the sealed envelope. The envelope enclosing each bid must show the Contractor's name, license number, expiration date thereof, and license classification of the contractor(s) bidding for the prime contract and for the electrical, plumbing, heating, ventilation and air conditioning subcontracts in accordance with TCA 62-6-119. Lacking all of this information, the bid shall be rejected and returned to the bidder unopened.

5. EOC Requirements

- (a) As a condition precedent to bidding, bidders shall have received a current "Equal Opportunity Compliance Eligibility Number" which must be attached to each bid submission. To receive an E.O.C. Eligibility Number, specific information must be received by the E.O.C. Department at least 48 hours prior to the bid opening. To verify your E.O.C. Number or to receive information for obtaining a number, contact the E.O.C. Department, 545-4336.
- (b) Use of Locally Owned Small Business (LOSB) participation on County projects is mandatory.
- (c) Bidders are encouraged to contact County-certified LOSB firms from the listing enclosed in the bid documents. Bidders may also provide the names of firms they believe would qualify as LOSB firms, by notifying the E.O.C. Department and filing the required forms at least five (5) working days prior to the bid opening. Bidders choosing to utilize non-certified subcontractors may submit their bid with the understanding that they must provide certification documents to the E.O.C. department within five (5) days after the bid opening in order to be considered for contract award.
- (d) A Locally Owned Small Business is defined as a sole proprietorship, corporation, partnership, or joint venture located within Shelby County and at least 51% owned, operated and managed by a Shelby County resident and having an average annual sale of \$5,000,000.00 or less over the past three (3) years.

6. Rejection of Bids:

The COUNTY OF SHELBY reserves the right to reject any and all proposals and to waive technicalities in any proposal.

BY ORDER OF:

CLIFTON DAVIS

PURCHASING ADMINISTRATOR  
SHELBY COUNTY GOVERNMENT

\_\_\_\_\_, 2009